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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

CHASOM BROWN, MONIQUE
TRUJILLO, WILLIAM BYATT, JEREMY
DAVIS, and CHRISTOPHER CASTILLO,
individually and on behalf of all similarly
situated,

Plaintiffs,

v.

GOOGLE LLC,
Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER REGARDING THE
APPOINTMENT OF A SPECIAL
MASTER FOR EVIDENTIARY
DISPUTES (DKT. 959)**

The Honorable Judge Yvonne Gonzalez Rogers

1 Pursuant to Civil Local Rules 6-2 and 7-12, this joint stipulation is entered into between
2 Plaintiffs and Google LLC (“Google”), collectively referred to as the “Parties.”

3 WHEREAS, on March 8, 2022, the Parties stipulated that all documents produced by the
4 Parties in this case are presumed to be authentic for purposes of Federal Rule of Evidence 901 (Dkt.
5 472, at ¶¶ 1–2);

6 WHEREAS, on March 8, 2022, the Parties stipulated that, with the exception of emails and
7 Google Chats produced by Google in this action, all documents that Google has produced are
8 presumed to be business records under Federal Rule of Evidence 803(6) (Dkt. 472, at ¶ 3);

9 WHEREAS, notwithstanding the above, the Parties reserved their right to contest the
10 authenticity pursuant to FRE 901 and business record status under FRE 803(6) of any document
11 included on each other’s pretrial exhibit list filed in advance of any pretrial conference in this action
12 (Dkt. 472, at ¶ 4);

13 WHEREAS, on March 2, 2023, the Court referred the resolution of evidentiary disputes to
14 a Special Master (Dkt. 885 at 3);

15 WHEREAS, on June 23, 2023, the Parties jointly selected the Honorable Elizabeth D.
16 LaPorte (Ret.) to be appointed as the Special Master (Dkt. 959);

17 WHEREAS, the Parties have agreed to exchange deposition designations and exhibit lists
18 on August 24, 2023 (Dkt. 960);

19 WHEREAS, the Parties have agreed to exchange objections to deposition designations and
20 exhibit lists, as well as counter designations, on September 7, 2023 (Dkt. 960);

21 WHEREAS, the Exhibit List Annotated with Stipulations and Objections and the List of
22 Discovery Excerpts, Audios, and Videos (including deposition designations and counter-
23 designations) are due to the Court on September 29, 2023 (Dkt. 885);

24 NOW THEREFORE, the Parties stipulate to the following scope of Judge LaPorte’s role as
25 Special Master regarding evidentiary disputes:

- 26 • Judge LaPorte will rule on certain objections to deposition designations and counter-
27 designations to the extent such rulings can be made prior to trial, are not subject to

1 motions *in limine* to be decided by the Court, and do not require analysis of the
2 context in which the designations are offered at trial;

- 3 • Judge LaPorte will rule on certain objections to the parties' proposed trial exhibits to
4 the extent such rulings can be made prior to trial, are not subject to motions *in limine*
5 to be decided by the Court, and do not require analysis of the context in which the
6 exhibit is offered at trial;
- 7 • Judge LaPorte will rule on any other evidentiary disputes that the Parties jointly agree
8 to submit to Judge LaPorte, subject to the Court's approval.
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1 DATED: August 21, 2023

2 MORGAN & MORGAN, P.A.

QUINN EMANUEL URQUHART &
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3 /s/ Ryan J. McGee

/s/ Andrew H. Schapiro

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Attorneys for Defendant Google LLC

ATTESTATION OF CONCURRENCE

I am the ECF user whose ID and password are being used to file this JOINT STIPULATION AND [PROPOSED] ORDER REGARDING THE APPOINTMENT OF A SPECIAL MASTER FOR EVIDENTIARY DISPUTES (DKT. 959). Pursuant to Civil L.R. 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in the filing of this document

Dated: August 21, 2023


By /s/ Andrew H. Schapiro
Andrew H. Schapiro
Counsel on behalf of Defendant

~~[PROPOSED]~~ ORDER

Pursuant to stipulation of the Parties, the Court hereby **ORDERS:**

The Honorable Elizabeth D. LaPorte (Ret.) is appointed as the Special Master to resolve evidentiary disputes regarding: certain objections to deposition designations and counter-designations to the extent such rulings can be made prior to trial, are not subject to motions *in limine* to be decided by the Court, and do not require analysis of the context in which the designations are offered at trial; certain objections to the parties' proposed trial exhibits to the extent such rulings can be made prior to trial, are not subject to motions *in limine* to be decided by the Court, and do not require analysis of the context in which the exhibit is offered at trial; and any other evidentiary disputes that the Parties jointly agree to submit to Judge LaPorte, subject to the Court's approval.

DATED: August 25, 2023


HON. YVONNE GONZALEZ ROGERS
United States District Judge